

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED FOURTEENTH LEGISLATIVE DAY
TUESDAY, MAY 5, 2009

House of Representatives

The House convened at 1:30 p.m., the Speaker in the Chair.

Roll call showed 60 members present.

Absent and excused – Anderson, Boe, Boyle, Eskridge, Henderson, Saylor, Shepherd(02), Shepherd(08), Smith(24), Trail. Total – 10.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Chaplain Tom Dougherty.

Approval of Journal

May 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the One Hundred and Thirteenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

May 4, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 187](#), as amended in the Senate, [H 195](#), [H 198](#), as amended, [H 218](#), as amended in the Senate, [H 258](#), as amended in the Senate, and [H 267](#), as amended in the Senate

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

May 5, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1152](#), [S 1234](#), [S 1237](#), [S 1238](#), [S 1240](#), [S 1241](#), [S 1242](#), [S 1243](#), and [S 1244](#) and, when so signed, ordered them returned to the Senate.

May 5, 2009

Mr. Speaker:

I return herewith enrolled [H 330](#), [H 331](#), [H 332](#), [H 333](#), [H 335](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), and [H 371](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 330](#), [H 331](#), [H 332](#), [H 333](#), [H 335](#), [H 342](#), [H 343](#), [H 344](#), [H 345](#), [H 346](#), [H 347](#), [H 348](#), [H 349](#), [H 350](#), [H 351](#), [H 352](#), [H 353](#), and [H 371](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

May 5, 2009

Mr. Speaker:

I transmit herewith [S 1233](#) which has passed the Senate.

WOOD, Secretary

[S 1233](#) was filed for first reading.

May 5, 2009

Mr. Speaker:

I return herewith [H 341](#) which has passed the Senate.

WOOD, Secretary

[H 341](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

May 5, 2009

Mr. Speaker:

I return herewith [H 372](#), as amended in the Senate, which has passed the Senate.

WOOD, Secretary

[H 372](#), as amended in the Senate, was ordered held at the Desk.

Mr. Lake asked unanimous consent that the House concur in the Senate amendments to [H 372](#), as amended in the Senate. There being no objection, it was so ordered.

[H 372](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

May 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 341](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 341](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

May 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 372](#), as amended in the Senate.

CLARK, Chairman

[H 372](#), as amended in the Senate, was filed for first reading of engrossed bills.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1233](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

[H 372](#), as amended in the Senate, by Ways and Means Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1233](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1233](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – Durst, Thayn. Total – 2.

Absent and excused – Anderson, Boe, Boyle, Eskridge, Henderson, Sayler, Shepherd(02), Shepherd(08), Smith(24), Trail. Total – 10.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1233](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1233](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark,

Collins, Crane, Cronin, Durst, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 60.

NAYS – None.

Absent and excused – Anderson, Boe, Boyle, Eskridge, Henderson, Sayler, Shepherd(02), Shepherd(08), Smith(24), Trail. Total – 10.

Total – 70.

Whereupon the Speaker declared that [S 1233](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 372](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 372](#), as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Schaefer, Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 58.

NAYS – Durst, Thayn. Total – 2.

Absent and excused – Anderson, Boe, Boyle, Eskridge, Henderson, Sayler, Shepherd(02), Shepherd(08), Smith(24), Trail. Total – 10.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 372](#), as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall [H 372](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Roberts, Schaefer, Shepherd(02), Shirley, Simpson, Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 48.

NAYS – Andrus, Burgoyne, Chavez, Chew, Cronin, Durst, Higgins, Jaquet, Killen, King, Pasley-Stuart, Ringo, Ruchti, Rusche, Smith(30), Trail. Total – 16.

Absent and excused – Boe, Boyle, Henderson, Saylor, Shepherd(08), Smith(24). Total – 6.

Paired Votes:

AYE -- Shepherd(02)

NAY -- Ruchti

AYE -- Eskridge

NAY -- Jaquet

AYE -- Anderson

NAY -- Pasley-Stuart

AYE -- Raybould

NAY -- Trail

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared [H 372](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, May 6, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:58 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk